

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES WYCHE,

Plaintiff,

-against-

1:18-CV-0567 (LEK/CFH)

NISKAYUNA CENTRAL SCHOOL
DISTRICT, *et al.*,

Defendants.

ORDER

I. INTRODUCTION

This matter comes before the Court following a report-recommendation filed on June 22, 2018, by the Honorable Christian F. Hummel, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3 Dkt. No. 5 (“Report-Recommendation”).

II. LEGAL STANDARD

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. *Barnes v. Prack*, No. 11-CV-857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); *Farid v. Bouey*, 554 F. Supp. 2d 301, 306–07, 306 n.2 (N.D.N.Y. 2008), abrogated on other grounds by *Widomski v. State Univ. of N.Y. at Orange*, 748 F.3d 471 (2d Cir. 2014); see also *Machicote v. Ercole*, No. 06-CV-13320,

2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument.”). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” § 636(b). Otherwise, a court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” Id.

III. DISCUSSION

No objections were filed in the allotted time period. Docket. Thus, the Court has reviewed the Report-Recommendation for clear error and has found none.

IV. CONCLUSION

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 5) is **APPROVED and ADOPTED in its entirety**; and it is further

ORDERED, that Plaintiff’s Title VII claims against Carrie Nyc-Chevrier, Deborah Marriott, William Garrison, Jr., Anthony Lento, Shawn H. King, Sr., Mark A. Treanor, and Cosmino Tangero, Jr. (“Individual Defendants”) are **DISMISSED with prejudice**; and it is further

ORDERED, that the following claims raised by Plaintiff are **DISMISSED without prejudice**: (1) Title VII claims against defendants Niskayuna Central School District and Niskayuna Central School District Board of Education; (2) New York State Human Rights Law claims against the Individual Defendants; and (3) conspiracy claim; and it is further

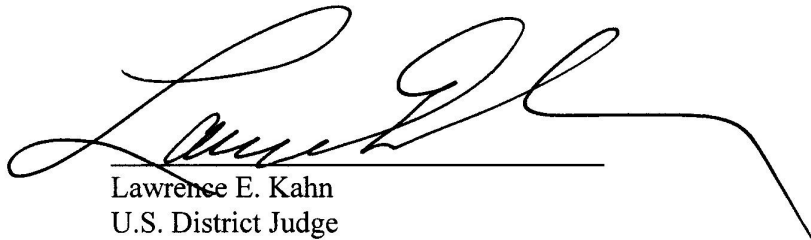
ORDERED, that Plaintiff has thirty days from the filing date of this Order to file an amended complaint. Any amended complaint filed by Plaintiff must bear his original signature, and must be a complete pleading which will supersede and replace the original Complaint in its entirety. Plaintiff must name one or more defendants, and set forth a short and plain statement of the facts he relies on in support of his claim that the defendants engaged in misconduct or wrongdoing that violated Plaintiff's constitutional rights; and it is further

ORDERED, that if Plaintiff fails to timely file an amended complaint as directed above, the Clerk shall enter judgment indicating that this action is **DISMISSED without prejudice** without further order of this Court pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). In that event, the Clerk is directed to close this case; and it is further

ORDERED, that the Clerk shall serve a copy of this Decision and Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: August 06, 2018
Albany, New York



Lawrence E. Kahn
U.S. District Judge